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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 **TERRENCE USHER,**

10 **Petitioner,**

11 **v.**

12 **A. NEIL CLARK,**

13 **Respondent.**

CASE NO. C10-790-MJP

ORDER OF DISMISSAL

14
15 The Court, having reviewed petitioner's Petition for Writ of Habeas Corpus, the Report
16 and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, and
17 any objections or responses to that, and the remaining record, finds and Orders as follows:

- 18 1. The Court adopts the Report and Recommendation;
- 19 2. Petitioner's proposed habeas petition (Dkt. 1) is DISMISSED without prejudice for
- 20 failure to pay the applicable filing fee pursuant to 28 U.S.C. § 1914.
- 21 3. The Clerk shall send a copy of this Order to petitioner and to Judge Donohue.

22 DATED this 2nd day of August, 2010.

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25 Marsha J. Pechman
26 United States District Judge